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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ANDREW PAUL LEONARD, an individual, Case No.:

15 Plaintiff,

16 v.

17 DANIEL KRAFT, an individual; PROTEUS
18 LLC, a California Limited Liability
19 Company; SINGULARITY EDUCATION
20 GROUP, a California Corporation; and
21 DOES 1 through 10,

22 Defendants.

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

23 Andrew Paul Leonard, by and through his undersigned attorneys, hereby prays
24 to this honorable Court for relief based on the following:

25 **JURISDICTION AND VENUE**

26 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
27 *et seq.*

1 by such fictitious names, and will seek leave to amend this Complaint to show their
2 true names and capacities when same have been ascertained.

3 9. Plaintiff is informed and believes and thereon alleges that at all times
4 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
5 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
6 at all times acting within the scope of such agency, affiliation, alter-ego relationship
7 and/or employment; and actively participated in or subsequently ratified and/or
8 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
9 circumstances, including, but not limited to, full knowledge of each violation of
10 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

11 **FIRST CLAIM FOR COPYRIGHT INFRINGEMENT**

12 10. Plaintiff owns an original two-dimensional image entitled "Scanning
13 electron Microscopy of Human Bone Marrow Stem Cells Image 1" ("Subject Image
14 1") that has been registered with the United States Copyright Office and given the
15 Registration Number VA 1-426-179.

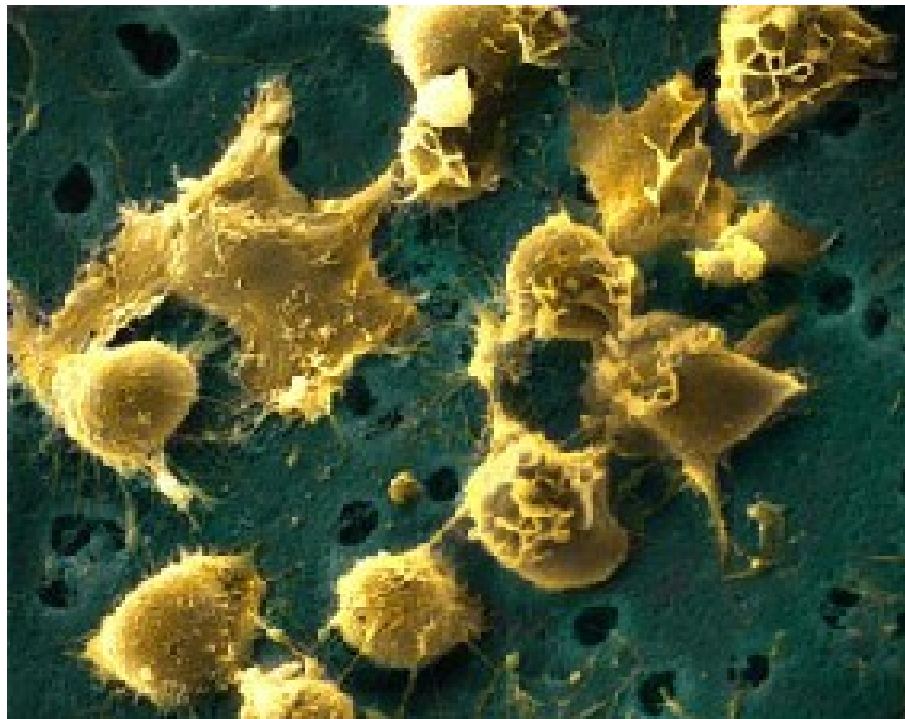
16 11. Prior to the acts complained of herein, Plaintiff began displaying a
17 portfolio of images on the website www.aplmicro.com, which contains the following
18 language: "No images or graphics appearing on this web site may be copied,
19 distributed, altered or otherwise used without advance written permission and license
20 from Andrew Paul Leonard. To request a license of usage rights please contact
21 info@aplmicro.com." Each individual image further contains an individual
22 watermark indicating Andrew Paul Leonard as the copyright holder.

23 12. Plaintiff is informed and believes and thereon alleges that following his
24 publication and display of Subject Image 1, KRAFT, PROTEUS, DOE Defendants,
25 and each of them displayed and/or embedded into their respective websites, videos,
26 presentations, and/or advertising materials an image that is substantially similar to
27 Subject Image 1 (hereinafter "Accused Image 1") without Plaintiff's authorization:

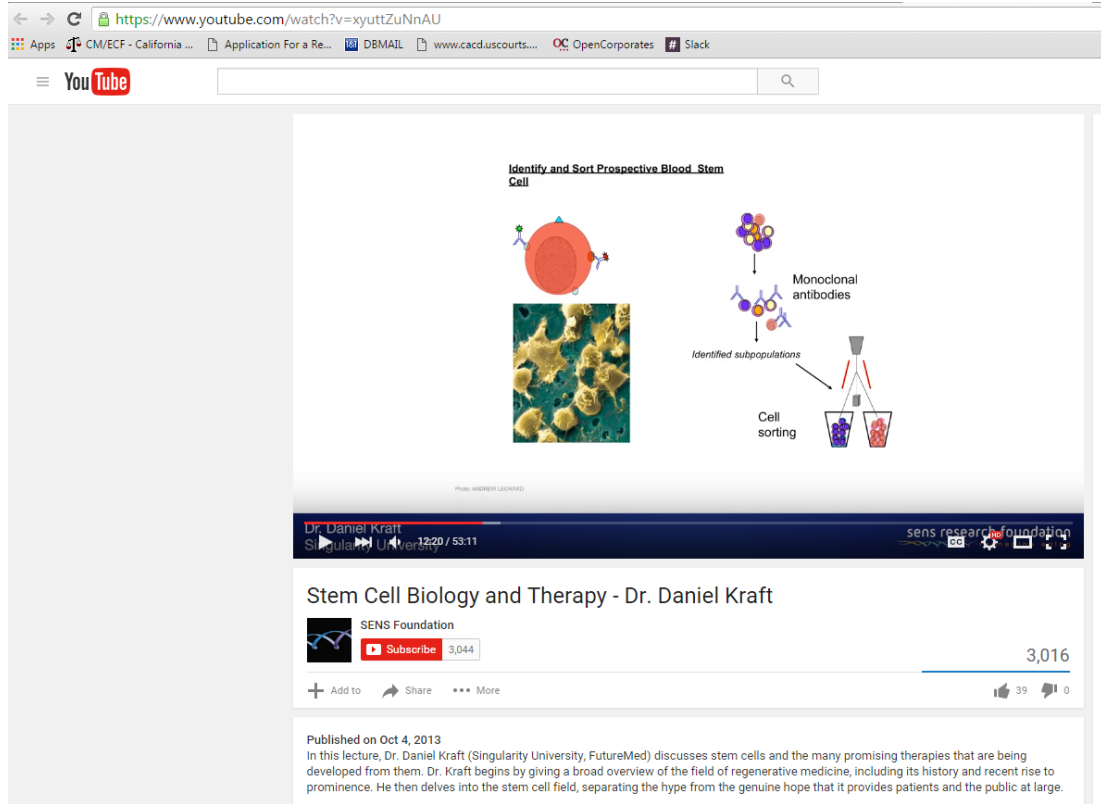
- a. A presentation created by KRAFT titled “Stem Cell Biology and Therapy” found at www.youtube.com/watch?v=xyuttZuNnAU at time 12:20/53:11.
- b. A presentation created by KRAFT and displayed by PROTEUS found at www.slideshare.net/ProteusVenturePartners/rm-101-intro-to-sc-rm-2012v1 at slide 52 of 54.

13. A reproduction of Subject Image 1 and an exemplar of Accused Image 1 are set forth hereinbelow:

Subject Image 1



Accused Image 1



SECOND CLAIM FOR COPYRIGHT INFRINGEMENT

14. Plaintiff owns an original two-dimensional image entitled “Scanning electron Microscopy of Human Bone Marrow Stem Cells Image 2” (“Subject Image 2”) that has been registered with the United States Copyright Office and given the Registration Number VA 1-426-178.

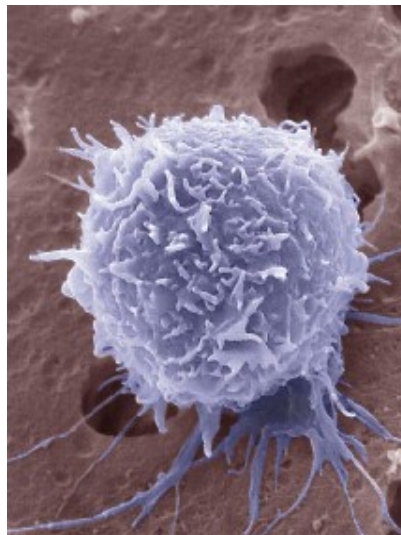
15. Prior to the acts complained of herein, Plaintiff began displaying a portfolio of images on the website www.aplmicro.com, which contains the following language: “No images or graphics appearing on this web site may be copied, distributed, altered or otherwise used without advance written permission and license from Andrew Paul Leonard. To request a license of usage rights please contact info@aplmicro.com.” Each individual image further contains an individual watermark indicating Andrew Paul Leonard as the copyright holder.

1 16. Plaintiff is informed and believes and thereon alleges that following his
2 publication and display of Subject Image 2, PROTEUS, KRAFT, SINGULARITY,
3 DOE Defendants, and each of them, displayed and/or embedded into their respective
4 websites, videos, presentations, and/or advertising materials an image that is
5 substantially similar to Subject Image 2 (hereinafter “Accused Image 2”) without
6 Plaintiff’s authorization:

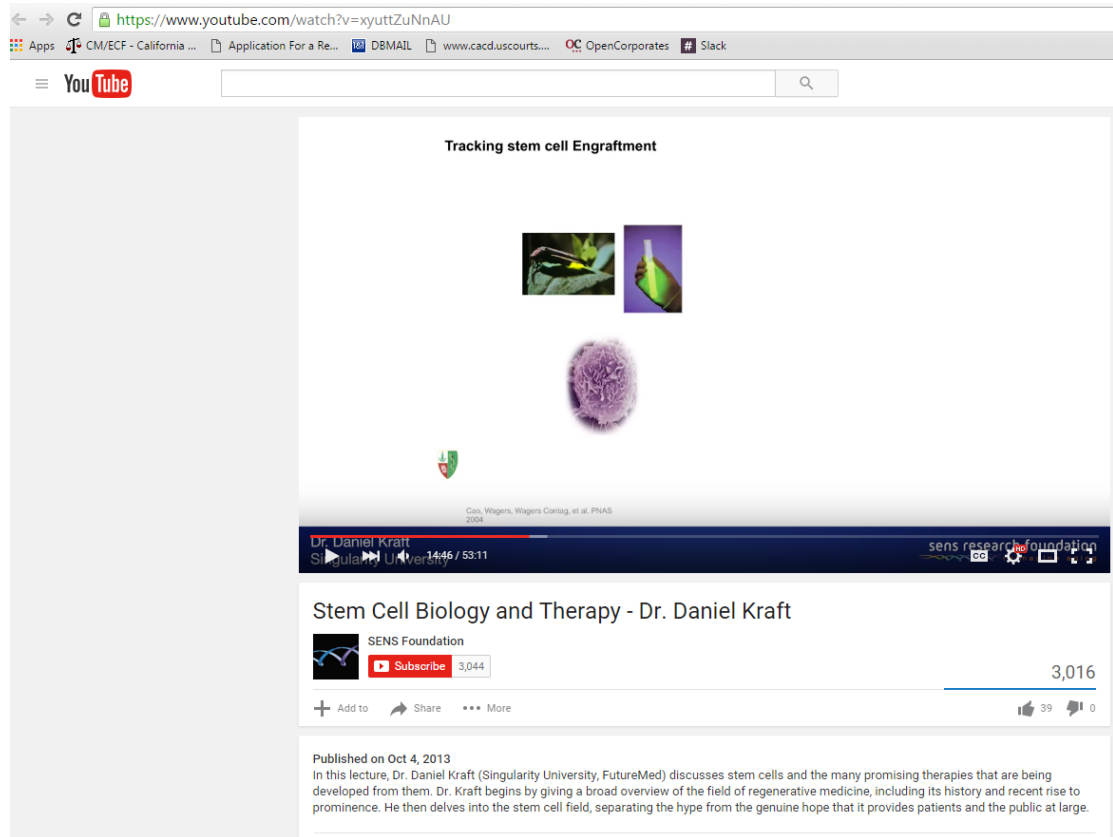
- 7 a. A presentation created by KRAFT and displayed by PROTEUS
8 found at [www.slideshare.net/ProteusVenturePartners/rm-101-intro-](http://www.slideshare.net/ProteusVenturePartners/rm-101-intro-to-sc-rm-2012v1)
9 [to-sc-rm-2012v1](http://www.slideshare.net/ProteusVenturePartners/rm-101-intro-to-sc-rm-2012v1) at slide 24 of 54.
- 10 b. A presentation created by KRAFT and displayed by SINGULARITY
11 titled “Stem Cells & Regenerative Medicine” displayed on
12 exponential.singularityu.org.
- 13 c. A presentation created by KRAFT titled “Stem Cell Biology and
14 Therapy” found at www.youtube.com/watch?v=xyuttZuNnAU at
15 time 14:46/53:11.

16 17.A reproduction of Subject Image 2 and an exemplar of Subject Image 2 are
17 set forth hereinbelow:

18 **Subject Image 2**



Accused Image 2



THIRD CLAIM FOR COPYRIGHT INFRINGEMENT

18. Plaintiff owns an original two-dimensional image entitled “Scanning electron Microscopy of Human Bone Marrow Stem Cells Image 4” (“Subject Image 4”) that has been registered with the United States Copyright Office and given the Registration Number VA 1-426-177.

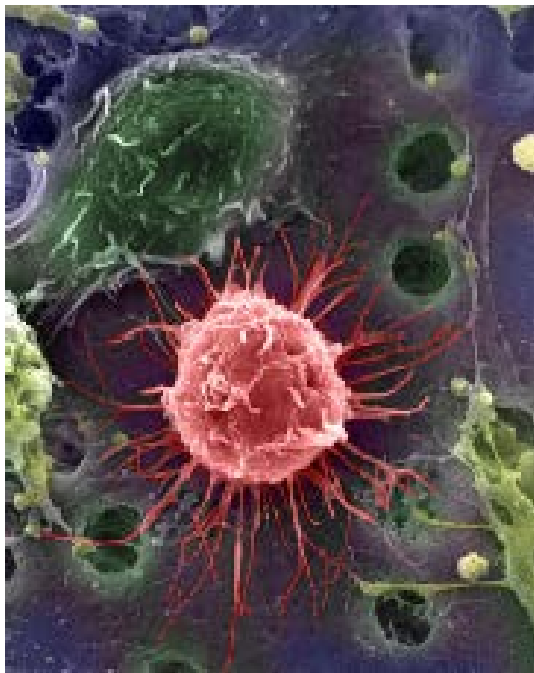
19. Prior to the acts complained of herein, Plaintiff began displaying a portfolio of images on the website www.aplmicro.com, which contains the following language: “No images or graphics appearing on this web site may be copied, distributed, altered or otherwise used without advance written permission and license from Andrew Paul Leonard. To request a license of usage rights please contact info@aplmicro.com.” Each individual image further contains an individual watermark indicating Andrew Paul Leonard as the copyright holder.

20. Plaintiff is informed and believes and thereon alleges that following his publication and display of Subject Image 4, PROTEUS, KRAFT, and DOE Defendants, and each of them, displayed and/or embedded into their respective websites, videos, presentations, and/or advertising materials an image that is substantially similar to Subject Image 4 (hereinafter “Accused Image 4”) without Plaintiff’s authorization:

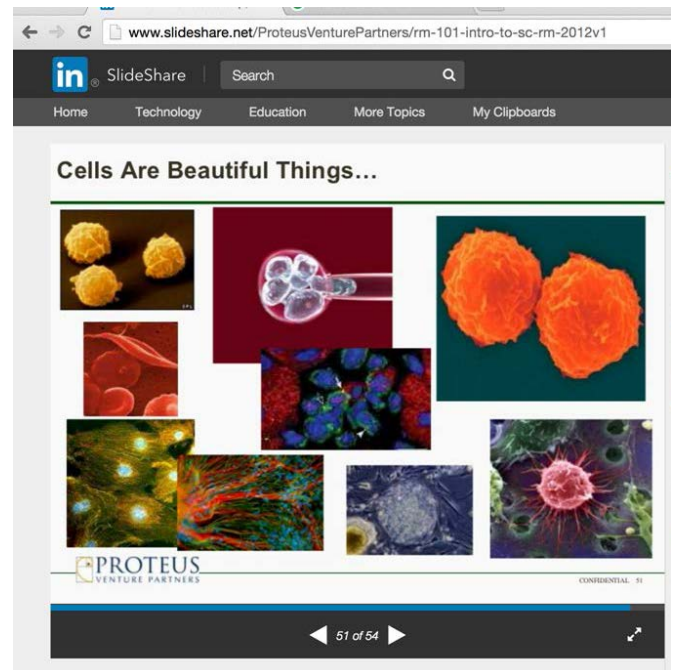
- a. A presentation created by KRAFT and displayed by PROTEUS found at www.slideshare.net/ProteusVenturePartners/rm-101-intro-to-sc-rm-2012v1 at slide 51 of 54.
- b. PROTEUS’s website at www.proteusvp.com.

21. A reproduction of Subject Image 4 and an exemplar of Accused Image 4 are set forth hereinbelow:

Subject Image 4



Accused Image 4



FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

22. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

23. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Images 1, 2, and 4 (collectively, "Subject Images"), including, without limitation, through access to Plaintiff's website and/or image library and/or access to properly licensed and authorized copies of the Subject Images.

24. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants is a medical professional and/or advertises medical services, treatments, or lectures concerning the same on the Internet related to the implementation of stem cells in anti-aging research and treatment.

25. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyright by creating, making and/or developing directly infringing and/or derivative works from the Subject Images and by producing, distributing and/or displaying the Accused Images on their online websites, videos, and presentations.

26. Due to Defendants', and each of their, acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.

27. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained profits they would not otherwise have realized but for their infringement of the Subject Images. As such, Plaintiff is entitled to disgorgement of Defendants', and each of their, profits attributable to the infringement of Subject Images in an amount to be established at trial.

1 28. Plaintiff is informed and believes and thereon alleges that Defendants, and
2 each of them, have committed copyright infringement with actual or constructive
3 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
4 and continue to be, willful, intentional and malicious.

5 **PRAYER FOR RELIEF**

6 Wherefore, Plaintiff prays for judgment as follows:

- 7 a. That Defendants—each of them—and their respective agents and
8 servants be enjoined from manufacturing, distributing, offering for sale,
9 selling or otherwise displaying any product or image that infringes
10 Plaintiff's copyrights in the Subject Images;
11 b. That Plaintiff be awarded all profits of Defendants, and each of them,
12 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
13 or, if elected before final judgment, statutory damages as available under
14 the Copyright Act, 17 U.S.C. § 101 et seq.;
15 c. That Plaintiff be awarded its attorneys' fees as available under the
16 Copyright Act U.S.C. § 101 et seq.;
17 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
18 e. That Plaintiff be awarded the costs of this action; and
19 f. That Plaintiff be awarded such further legal and equitable relief as the
20 Court deems proper.

21 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
22 38 and the 7th Amendment to the United States Constitution.

23 Dated: January 27, 2016

DONIGER/BURROUGHS

24
25 By: /s/ Stephen M. Doniger
26 Stephen M. Doniger, Esq.
27 Frank Gregory Casella, Esq.
28 Attorneys for Plaintiff